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Resolution adopted by the General Assembly

[*on the report of the Fifth Committee (A/56/730 and Corr.1)*]

56/247. Financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

The General Assembly,

Taking note of the reports of the Secretary-General on the financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991[1] and the related reports of the Advisory Committee on Administrative and Budgetary Questions,[2]

Recalling its resolution 47/235 of 14 September 1993 on the financing of the International Tribunal for the Former Yugoslavia and its subsequent resolutions thereon, the latest of which were resolutions 55/225 A of 23 December 2000 and 55/225 B of 12 April 2001,

Taking note of the report of the Secretary-General on the budget performance of the International Tribunal for the Former Yugoslavia for the period from 1 January to 31 December 2000[3] and the comments of the Advisory Committee thereon in its report,[4]

Taking note also of Security Council resolution 1329 (2000) of 30 November 2000 concerning the establishment of a pool of ad litem judges in the International Tribunal for the Former Yugoslavia,

1. *Endorses* the conclusions and recommendations contained in the reports of the Advisory Committee on Administrative and Budgetary Questions,[2] subject to the provisions of the present resolution;

2. *Deeply regrets* the delay in the submission of the reports of the Secretary-General on the financing of the International Tribunal for the Former Yugoslavia;

[1] A/56/495 and Corr.1 and Add.1; and A/C.5/56/30.

[2] A/56/665 and A/56/717.

[3] A/56/501.

[4] A/56/665.

3. *Reaffirms* paragraph 3 of its resolution 54/239 A of 23 December 1999, and emphasizes that future reports on the financing of the International Tribunal for the Former Yugoslavia should be submitted by 1 October of the year in which they are to be considered;

4. *Notes* that gratis personnel were still used in the International Tribunal for the Former Yugoslavia in 2000, and emphasizes that the provisions of General Assembly resolution 51/243 of 15 September 1997 on this issue must be strictly adhered to;

5. *Notes also* that a large total number of interns were used, and stresses that the acceptance of such interns should be consistent with the established guidelines, rules and regulations, in particular as regards the exceptional nature of a six-month assignment;

6. *Notes with great concern* the high vacancy rate in the International Tribunal for the Former Yugoslavia;

7. *Notes with concern* the absence of a firm exit strategy for the completion of the work of the International Tribunal for the Former Yugoslavia;

8. *Welcomes* all efforts that contribute to the determination of a firm exit strategy for the International Tribunal for the Former Yugoslavia, and, in this context, notes the comment of the Advisory Committee on empowering special national courts to undertake trials, as stated in paragraph 5 of the report of the Advisory Committee;[4]

9. *Notes* the issues raised by the Advisory Committee in paragraphs 32, 80 and 82 of its report,[4] and decides to revert to these issues at the resumed fifty-sixth session of the General Assembly;

10. *Decides* that the staffing table for the International Tribunal for the Former Yugoslavia shall remain at levels approved for 2001 until the General Assembly at its resumed fifty-sixth session in March 2002 determines appropriate levels for the biennium 2002–2003;

11. *Authorizes* the International Tribunal for the Former Yugoslavia to utilize the general temporary assistance resources necessary to provide the equivalent of up to the ninety new posts recommended by the Advisory Committee for the purposes and functions intended, it being understood that this utilization of general temporary assistance is to ensure the ability of the Court to assume an accelerated schedule of trials, as foreseen in the budget proposal, and would be without prejudice to the decisions adopted by the General Assembly at its resumed fifth-sixth session as regards an authorized staffing table for the biennium 2002–2003;

12. *Welcomes* recent improvements in the functioning of the International Tribunal for the Former Yugoslavia, and encourages continued efforts to address areas where improvement is needed;

13. *Decides* to appropriate, on a provisional basis, subject to further review at its resumed fifty-sixth session, to the Special Account for the International Tribunal for the Former Yugoslavia, a total amount of 242,791,600 United States dollars gross (218,216,300 dollars net) for the biennium 2002–2003;

14. *Requests* the International Tribunal for the Former Yugoslavia to submit, on an annual basis, a financial and programme performance report to the General Assembly;

15. *Decides* that the financing of the appropriation for the biennium 2002–2003 under the Special Account shall take into account the unused unencumbered balance of

3,183,700 dollars gross (4,154,500 dollars net) for 2000, interest and miscellaneous income of 3,559,600 dollars recorded for the biennium 2000–2001, the estimated additional requirements[5] of 4,854,700 dollars gross (3,571,900 dollars net) for 2001 and the estimated income of 154,400 dollars for the biennium 2002–2003, which shall be set off against the aggregate amount of the appropriation, as detailed in the annex to the present resolution;

16. *Decides also* to apportion for the year 2002 the amount of 60,187,150 dollars gross (53,518,525 dollars net) among Member States in accordance with the scale of assessments applicable to the regular budget of the United Nations for the biennium 2002–2003 as set out in its resolution 55/5 B of 23 December 2000;

17. *Decides further* to apportion for the year 2002 the amount of 60,187,150 dollars gross (53,518,525 dollars net) among Member States in accordance with the rates of assessment applicable to peacekeeping operations for 2002;

18. *Decides* that, in accordance with the provisions of its resolution 973 (X) of 15 December 1955, there shall be set off against the apportionment among Member States, as provided for in paragraphs 16 and 17 above, their respective share in the Tax Equalization Fund in the amount of 13,337,250 dollars, being half of the estimated staff assessment income approved for the International Tribunal for the Former Yugoslavia for the biennium 2002–2003.

92nd plenary meeting
24 December 2001

[5] Provision for expenditures charged against the commitment authority as per resolution 55/225 B.

Annex

Financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

	Gross	*Net*
	(United States dollars)	
Estimated appropriation for the biennium 2002–2003 (after recosting)	256 241 300	229 787 800
Revised estimates (after recosting)[a]	156 300	156 300
Reductions made by the Advisory Committee on Administrative and Budgetary Questions (after recosting)	(7 227 700)	(6 554 700)
Reductions proposed by the Fifth Committee	(6 378 300)	(5 173 100)
Revised estimated appropriation for the biennium 2002–2003 (after recosting)	242 791 600	218 216 300
Prior credits and debits	(1 888 600)	(4 142 200)
Estimated income for the biennium 2002–2003	(154 400)	
Balance to be assessed for the biennium 2002–2003	240 748 600	214 074 100
Assessment for 2002.[b]	120 374 300	107 037 050
Of which:		
Contributions assessed on Member States in accordance with the scale of assessments applicable to the regular budget of the United Nations for 2002	60 187 150	53 518 525
Contributions assessed on Member States in accordance with the scale of assessments applicable to peacekeeping operations of the United Nations for 2002	60 187 150	53 518 525

[a] To provide for internal oversight functions for the first six months of 2002 as detailed in document A/C.5/56/30.

[b] For the year 2003 equivalent amounts will be assessed by the General Assembly at its fifty-seventh session.